

October 5, 2004

Michael Hudson
6600 N.W. 27th Avenue
Suite A-7
Miami, FL 33147

RE: REQUEST FOR ADVISORY OPINION 04-181

Dear Mr. Hudson:

I received your request for an advisory opinion and I am rendering my opinion based on the facts stated in your letter. The Ethics Commission has not considered this matter.

You requested an opinion regarding whether your company may become certified as a Community Small Business Enterprise (CSBE) or a Minority Business Enterprise (MBE) and contract with the county to provide services.

In your letter, you advised me that you are a Transit Operator with the Miami-Dade Transit Agency. You are also the owner of Mr. Mike Professional Security Services, Inc. The company provides residential and commercial security guard services.

The Conflict of Interest and Code of Ethics ordinance permits your company to become certified as a Community Small Business Enterprise (CSBE) or a Minority Business Enterprise (MBE). Your firm may also contract with all county departments except the Miami-Dade Transit Agency to provide services. Section 2-11.1 (c) provides that " Notwithstanding any provision to the contrary herein, subsection (c) and (d) shall not be

construed to prevent any employee...from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the employee or any member of his or her immediate family has a controlling financial interest, with Miami-Dade County or any person or agency acting for Miami-Dade County as long as 1) entering into the contract would not interfere with the full and faithful discharge by the employee of his or her duties to the County, 2) the employee has not participated in determining the subject contract awards or awarding the contract , and 3) the employee's job responsibilities and job description will not require him or her to be involved with the contract in any way, including but not limited to its enforcement, oversight, administration, amendment, extension, termination or forbearance.

Therefore, you may become certified as a Minority Business Enterprise or a Community Small Business Enterprise and may bid on and accept contracts to provide security services for the aforementioned departments.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call the undersigned at (305) 350-0616.

Sincerely Yours,

ARDYTH WALKER
Staff General Counsel

